




J. Craig Whitley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In Re:

Keri Marie Hagler

Debtor.

Peter J. Brennan

Plaintiff,

v.

Keri Marie Hagler

Defendant.

**Case No. 15-30545
Chapter 7**

**Adversary Proceeding
No. 15-3149**

ORDER OF CLARIFICATION

Debtor, Keri Hagler f/k/a Keri Brennan, filed a bankruptcy petition on April 14, 2015. On June 2, 2015, debtor's ex-husband, Peter Brennan, sought the Court's permission to proceed with equitable distribution proceedings in state court by filing a motion for relief from stay. The Court entered an order on December 21, 2015 [Doc. 43] granting Peter Brennan's motion for relief from stay such that equitable distribution proceedings could be concluded. The order stated in relevant part:

1. The State Court may proceed with hearing the equitable distribution proceeding and the liquidation of the equitable distribution claims;
2. The State Court may only divide property that the Debtor has claimed exempt, or that is not property of the bankruptcy estate, between Movant and the Debtor; provided, however, that the Trustee may object to the State Court's division of such property, solely on the grounds that the same has not been claimed exempt or is property of the estate, with appropriate pleadings filed in this Court within fourteen days after the service of the equitable distribution order upon him;
3. If the State Court believes it should divide property which may be property of the Debtor's bankruptcy estate, it shall so state in its opinion, and to that extent the matter shall be referred back to this court for further proceedings.

At this juncture of the bankruptcy, all outstanding issues have been resolved less the determination of whether debts owed to Peter Brennan are discharged. The state court is free to proceed with equitable distribution proceedings pursuant to the Court's prior order.

Counsel for Peter Brennan is directed to provide a copy of this order as well as the Court's December 21, 2015, order to the judge presiding over the equitable distribution proceedings.

This Order has been signed electronically. The Judge's signature and Court's seal appear at the top of the Order.

United States Bankruptcy Court